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#12 Req. for
Permutation
Eigenis
8/7/03

Group Art Unit: 3672

Examiner: Dougherty, Jennifer

**CERTIFICATE OF TRANSMISSION UNDER
37 C.F.R. § 1.8(A)**

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service First-Class Mail, in an envelope addressed to Mail Stop Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

6-17-03 
Date Beth A. Sanders

RESPONSE TO OFFICE ACTION DATED JANUARY 17, 2003

MAIL STOP FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 17, 2003, having a shortened statutory period for response set to expire on April 17, 2003, and extended by a Two-Month Request for Extension to and including June 17, 2003, please reconsider the claims pending in the application for reasons discussed below.

REMARKS

This is intended as a full and complete response to the above referenced Office Action. Claims 1-9 and 12-18 stand initially rejected, and claims 10 and 11 stand initial objected to, as being allowable if rewritten in independent form.

Claims 1-4, 6-9, and 12-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Dusterhoft* (US 2003/0000701 A1). The Examiner states that *Dusterhoft* includes a base pipe (60), a screen (52), a channel (figure 2), a port (84), and the method of claim 16 (figure 2 and claim 25). The Examiner also states elements from the dependent claims are also taught.

The rejection is respectfully traversed. Claim 1 requires a channel disposed within a screen, where the screen is substantially permeable to fluids and impermeable to sand. The “channel” identified by the Examiner in *Dusterhoft* is the annulus between the tubular member and the screen from Figure 2. However, the tubular member 64 in Figure 2 and similar elements in other figures of *Dusterhoft* is not to be confused with the screen of the present invention, where a channel lies within the screen. The tubular member is not permeable to fluid, in contrast to the screen, as specifically stated in the present specification, recited in the claims, and understood by those in the art. In fact, the tubular member of *Dusterhoft* cannot be permeable—otherwise, the progressive filling taught in *Dusterhoft* could not occur through only the selected ports of the tubular member or through displaced portions of the tubular member from explosions or vibration. Thus, the tubular member of *Dusterhoft* is neither a screen nor a screen jacket. The Examiner is respectfully requested to withdraw the rejection.

Claim 5 stands initially rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dusterhoft* in view of *Spray* (US 5,785,122). The Examiner relies on *Spray* to teach the additional aspect of the outer screen jacket being fusion-welded wire, not taught in *Dusterhoft*.

The Applicant respectfully traverses the rejection. *Dusterhoft* does not teach, show, or suggest the aspects of claim 5 or the intervening claims, as discussed above. The combination of

Dusterhoft and *Spray* does not overcome this deficiency. The Examiner is respectfully requested to withdraw the rejection.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the present invention. Therefore, it is believed that the rejections made by the Examiner has been obviated, and Applicant respectfully requests that the same be withdrawn. Allowance of the claims is requested.

Respectfully submitted,

Date: June 17, 2003



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